



Ordinance Number 513

AN ORDINANCE PROHIBITING OPEN BURNING WITHIN THE CORPORATE LIMITS OF THE TOWN OF ELSMERE

Sponsored By: 6th District Councilman John Pasquale

First and Second Reading:
September 10, 2009

Results: _____

Third and Final Reading:
October 08, 2009

Results: _____

ORDINANCE 513

AN ORDINANCE PROHIBITING OPEN BURNING WITHIN THE CORPORATE LIMITS OF THE TOWN OF ELSMERE

WHEREAS, The Mayor and Council have found that while the laws of the State of Delaware permit open burning at certain time of the year and under certain restrictions; and

WHEREAS, due to the close proximity of the homes within the town and the fact that nearly 6000 residents live in the approximate one square mile of geographic area which is the Town of Elsmere, the State law does not adequately protect the citizens of Elsmere from the ill effects, danger and annoyance that open burning creates; and

WHEREAS, The Mayor and Council wish to address this potentially hazardous situation.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF ELSMERE AS FOLLOWS:

It shall be is unlawful for any person, firm, or corporation to set on fire or burn any refuse weeds, leaves, limbs, trees, lawns, gardens, rubber tires, plastics, wire, insulation and other smoke-producing materials or other flammable or waste materials outdoors within the Town of Elsmere. This shall be known as Open Burning and shall be prohibited.

The use of road flares, smudge pots, and similar devices associated with safety or occupational uses typically considered open flames or the following recreational fires,

- a. Cooking fires such as barbecue grills; and
- b. Campfires, patio fire pits, or chimenea; and
- c. Ceremonial bonfires conducted by established groups such as schools, Indian tribes, or other recognized organizations.

Shall not be considered or known as “Open Burning” and therefore shall not be prohibited by this ordinance.

September 10, 2009
First and Second Reading

Third and Final Reading

Deborah Norkavage Mayor

Joann I. Personti, Secretary

Approved As To Form
Edward McNally, Town Solicitor

SYNOPSIS:

This Ordinance prohibits “Open Burning” throughout the Town of Elsmere.

Fiscal Impact:

This is no fiscal impact anticipated with this ordinance.